UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/803,219	03/07/2001	William J. Hilliard	154025-0074	6786

28653	7590	01/25/2006	

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EXAMINER
LAY, MICHELLE K

ART UNIT	PAPER NUMBER
2672	

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.</td><td>Applicant(s)</td></tr>
<tr><td>09/803,219</td><td>HILLIARD ET AL.</td></tr>
<tr><td></td><td>Examiner</td><td>Art Unit</td><td></td></tr>
<tr><td></td><td>Michelle K. Lay</td><td>2672</td><td></td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 December 2005</u>.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-33</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-33</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>21 June 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

The amendment filed on 12/27/2005, has been entered and made of record.

Claims 1-33 are pending.

Response to Arguments

Applicant's arguments filed 12/27/2005 have been fully considered but they are

not persuasive. Applicant argues the color matching method (CMM) in Swen et al.

(5,806,081) is not the same as a set of characteristics, and therefore a default CMM in

Swen may not be used to show "the set of default image display characteristics" of

claim 1. Examiner respectfully disagrees. The default color matching method (CMM) is

part of the device profile, where the device profile is a data structure that describes the

basic color characteristics of the device (see Swen, col. 5, lines 1-9). The "set of default

image display characteristics" of claim 1, pertain to the device profile where the

default/preferred CMM used provides the medium where the conversion, or color

matching, between differing color gamuts in order to determine these characteristics

(see Swen, col. 5, lines 28-30).

Additionally, Applicant argues that Swen does not disclose or suggests "selecting

a set of default image display characteristics to adjust the requested image in

accordance with the set of default characteristics", as recited in claim 1. Examiner

respectfully disagrees. The device profile includes the CMM, which applies the

conversion between the differing color gamuts. Thus, the CMM is *selecting* the set of

display characteristics, as found in the device profile, needed to adjust the image accordingly.

Applicant argues Fields teaches away from the invention of claim 1. Examiner respectfully disagrees. Applicant's example does not exhibit a difference between Fields and the invention of claim 1. In the invention of Fields in view of Swen, as Applicant explains, Fields in view of Swen determines if a calibration profile does not exist on a client machine, a default image is applied. As discussed above, Swen teaches, "selecting a set of default image display characteristics to adjust the requested image" via the CMM of the device profile. Furthermore, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Specification

Please review the application and correct all informalities.

Information Disclosure Statement

Receipt is acknowledged of Applicant's Information Disclosure Statement filed 12/27/2005, which has been placed in the application file and considered by Examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims **1-33** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Fields et al. (6,581,109) in view of Swen et al. (5,806,081).

Regarding claim **1**, Fields discloses that the claimed feature of a method for

providing images to a client computer over a computer network, comprising: receiving a

request ["request"] from the client computer [i.e. "client machine"] to an image server

["server"] for an image; determining the unavailability of client computer ["client"] image

display characteristics [i.e. "calibration data/parameter"] to the image server ["server"];

and selecting a set of default image display characteristics ["default web pages"] to

adjust the requested image in accordance with the set of default characteristics for

display on the client computer ["client"], the set of default image display characteristics

being unrelated to the image display characteristics ["calibration data/parameter"] of the

client computer ["client"] (see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6

line 55 – col. 7 line 27).

Fields does not specifically disclose "the set of default image display

characteristics." However, such limitation is shown in the teaching of Swen [i.e. "default

profiles" contain the display characteristics, "default CMM" is used for the conversion]

(see col. 2 lines 14-31; col. 14 line 58 – col. 15 line 11). It would have been obvious to

one skilled in the art to incorporate the teaching of Swen into the teaching of Fields, in

order to properly represent the "default web pages" of Fields, thereby producing proper

color between networks, as such improvement is also advantageously desirable in the

teaching of Fields for adjusting image colors within the network for color reproduction

accurately.

Regarding claim **2**, Fields discloses that selecting the set of default image display

characteristics comprises: selecting a set of default image display characteristics

["default web pages"] to adjust the image ["adjusting image color"] in accordance with

the set of default characteristics for display on the client computer ["client"], the set of

default image display characteristics being based on the average image display

characteristics of a plurality of computer clients having known image display

characteristics (see Abstract, Fig. 3; col. 2 lines 14-42).

Regarding claim **3**, Fields discloses that prior to selecting the set of default

characteristics: determining one or more sets of default image display characteristics

["default web pages"] based on the average image display characteristics of the plurality

of computer clients ["client"] having known image display characteristics ["default

information"] (see Abstract; Fig. 3; col. 2 lines 14-42).

Regarding claim **4**, Fields discloses that determining one or more sets of default image display characteristics comprises: determining groups of the computer clients ["client"] having known image display characteristics ["default information"]; and calculating a set of default image display characteristics ["default web pages"] for each group of computer clients having known image display characteristics (see Abstract; Fig. 3; col. 2 lines 14-42).

Regarding claim **5**, Fields discloses that determining one or more sets of default image display characteristics comprises: calculating one set of default image display characteristics for substantially all computer clients having known image display characteristics ["default information"] (see Abstract; Fig. 3; col. 2 lines 14-42).

Regarding claim **6**, Fields discloses that determining one or more sets of default image display characteristics comprises: determining a group of computer clients having known image display characteristics ["default information"] that are visually perceived as substantially uniform by a viewer; and calculating a set of default image display characteristics for the group of computer clients (see Abstract; Fig. 3; col. 2 lines 14-42).

Regarding claim **7**, Fields discloses that determining the group of computer clients having known image display characteristics that are visually perceived as substantially uniform by a viewer comprises: determining the group having the largest number of computer clients ["client"] having known image display characteristics that

are visually perceived as substantially uniform by a viewer (see Abstract; Fig. 3; col. 2 lines 14-42).

Regarding claim **8**, Fields discloses that determining the group having the largest number of computer clients having known image display characteristics that are visually perceived as substantially uniform by a viewer comprises: determining the coordinates that are within a selected distance of the maximum number of coordinate points in a multidimensional parameter space comprising the characteristics of the plurality of computer clients having known image display characteristics, the selected distance encompassing image display characteristics that are visually perceived as substantially uniform by a viewer (see Abstract; Fig. 3; col. 2 lines 14-42).

Regarding claim **9**, Fields discloses that calculating the set of default image display characteristics for the group of computer clients comprises: determining the center of a multidimensional parameter space ["space"] comprising the characteristics of the plurality of computer clients having known image display characteristics (see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Regarding claims **10** and **11**, Fields discloses that calculating the set of default image display characteristics for the group of computer clients comprises: determining coordinates in a multidimensional parameter space comprising the characteristics ["profile data/parameter"] of the plurality of computer clients ["clients"] having known

image display characteristics, the coordinates representative of a set of default image

display characteristics ["default web pages"] that maximize/minimize the amount of

image adjustment for all computer clients on the computer network ["network"] (see

Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Regarding claim **12**, Fields discloses that determining the one or more sets of

default image display characteristics comprises: determining the one or more sets of

default image display characteristics ["profile"] n response to each received image

request ["request"] (see Abstract; Fig. 3; col. 2 lines 14-42).

Regarding claim **13**, Fields discloses that adjusting the requested image in

accordance with the selected one of the one or more sets of default characteristics

["default information"] determined in response to the received image request ["request"]

(see Abstract; Fig. 3; col. 2 line 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Regarding claim **14**, Fields discloses that prior to determining the one or more

sets of default image display characteristics in response to each received image

request: updating a database comprising the characteristics of the plurality of computer

clients ["client"] having known image display characteristics ["default information"] to

determine the one or more sets of default image display characteristics [i.e. "default web

pages"] (see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7

line 27).

Regarding claim **15**, Fields discloses that adjusting the requested image ["adjusting image color"] in accordance with the selected one of the one or more sets of default characteristics ["default information"] determined in response to the received image request ["request"] (see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Regarding claim **16**, Fields discloses that determining one or more sets of default image display characteristics comprises: periodically determining one or more sets of default image display characteristics ["default information"] based on the average image display characteristics of the plurality of computer clients ["client"] having known image display characteristics (see Abstract; Fig. 3; col. 2 lines 14-42; col. 6 line 55 – col. 7 line 27).

Regarding claim **17**, Fields discloses that adjusting the requested image in accordance with the selected one of the latest one or more sets of default characteristics ["default information"] (see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Regarding claim **18**, Fields discloses that prior to periodically determining the one or more sets of default image display characteristics: updating a database comprising the characteristics of the plurality of computer clients having known image display characteristics to determine the one or more sets of default image display

characteristics (see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Regarding claim **19**, Fields discloses that adjusting the requested image in accordance with the selected one of the latest one or more sets of default characteristics (see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Regarding claim **20**, Fields discloses that selecting an image in response to the request, the image being adjusted in accordance with the selected set of default image display characteristics (see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 line 1-11; col. 6 line 55 – col. 7 line 27).

Regarding claim **21**, Fields discloses that selecting an image adjusted in accordance with the selected set of default image display characteristics comprises: selecting an image adjusted in accordance with the selected set of default image display characteristics from a plurality of adjusted images (see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Regarding claim **22**, Fields discloses that selecting the set of default image display characteristics comprises: selecting the set of default image display characteristics based on the average image display characteristics of a plurality of

computer clients having known image display characteristics including one or more of

input/output characteristics, color rendering capabilities, and spatial rendering properties

(see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Regarding claim **23**, Fields discloses that selecting the set of default image

display characteristics further comprises: selecting the set of default image display

characteristics based on characteristics of the requesting client computer ["client

machine"] including one or more of software characteristics and communication

characteristics (see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 –

col. 7 line 27).

Regarding claim **24**, Field discloses that selecting the set of default image display

characteristics further comprises: selecting the set of default image display

characteristics based on characteristics of the requesting client computer including the

relative age of a client computer display monitor [i.e. Mac number] (see Abstract; Fig. 3;

col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Regarding claim **25**, Fields discloses that prompting a user of the client computer

to provide information regarding the client computer ["client machine"]; and selecting the

set of default image display characteristics ["default web page"] comprises: selecting the

set of default image display characteristics based on information provided by the user

(see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Regarding claim **26**, Fields discloses that prompting a user of the client computer to provide information regarding the client computer comprises: prompting a user of the client computer to provide information regarding the display monitor of the client computer including one or more of the display monitor type, display monitor age, and display monitor location [i.e. 'Mac number'] (see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Regarding claim **27**, Fields discloses that providing the selected set of default image display characteristics to the image server to adjust the requested image in accordance with the set of default characteristics for display on a computer client display monitor (see Abstract; Fig. 3; col. 2 lines 14-42).

Regarding claim **28**, Fields discloses that providing the selected set of default characteristics to the image server comprises: providing the selected set of default characteristics ["default information"] and the requested image to the image server to adjust [i.e. "color adjusting'] the requested image in accordance with the set of default characteristics for display on a computer client display monitor ["display unit"] (see Abstract; Fig. 3, col. 2 lines 14-42; col. 4 lines 1-11; col. 6 lines 55 – col. 7 line 27).

Regarding claim **29**, Fields discloses that wherein receiving the request comprises: receiving the request ["request"] at an image request server ["server"]; and providing the selected set of default image display characteristics ["default web page"]

to the image server comprises: bouncing the client computer over the network to the

image server (see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 –

col. 7 line 27).

Regarding claim **30**, Fields discloses that wherein the computer network is an

Internet, an intranet, or a local area network (see Fig 3).

Regarding claim **31**, Fields discloses that determining the unavailability of client

computer image display characteristics to the image server comprises: determining the

unavailability of a client computer cookie ["cookie"] to the image request server, the

cookie related to the image display characteristics of the client computer (see Abstract;

Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Regarding claim **32**, Fields discloses that bouncing the client computer

comprises: distributing JavaScript or VBScript to the client computer ["client machine"]

to bounce the client computer over the network to the image server ["sever"] (see

Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Regarding claim **33**, Fields et al discloses that bouncing the client computer

comprises: distributing HTML, XML, or other mark-up language commands [i.e. 'HTML']

to redirect the client computer ["client machine"] over the network to the image server

["server"] (see Abstract; Fig. 3; col. 2 lines 14-42; col. 4 lines 1-11; col. 6 line 55 – col. 7 line 27).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michelle K. Lay whose telephone number is (571) 272-7661. The examiner can normally be reached on Monday-Thursday from 7:30am to 5:00pm. The examiner can also be reached on alternate Fridays from 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached on (571) 272-7664. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.
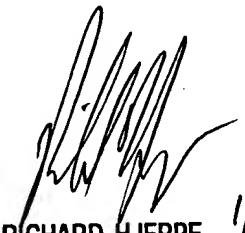
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01.18.2006 mkl

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